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NATIONAL ASSOCIATION OF THE DEAF

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September 29, 1997

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

EX PARTE OR RATE FILED

SEP 29 1997

Re: Ex Parte Filing, CC Docket No. 96-45

Dear Mr. Caton:

The National Association of the Deaf offers this ex parte statement on behalf of individuals with disabilities in the universal service proceeding.

Sincerely,

Karen Peltz Strauss
Legal Counsel for Telecommunications Policy
National Association of the Deaf

Enclosure

cc: Irene Slannery, Common Carrier Division, FCC
Judith Heumann, Office of Special Education And Rehabilitation Services, Dept. of Education
Thomas Hehir, Office of Special Education Programs, Dept. of Education
Dr. Katherine Seelman, National Institute on Disability and Rehabilitation Research, Dept. of Education

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket 96-45
Universal Service)	
_____)	

RECEIVED
SEP 29 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE REQUEST FOR CONSIDERATION OF
INDIVIDUALS
WITH DISABILITIES

On May 8, 1997, the Federal Communications Commission (FCC) released its Report and Order implementing Section 254 of the Communications Act of 1934, directing the administration of federal universal service support mechanisms for schools, libraries, and rural health care providers. Throughout this universal service proceeding, the FCC has received numerous comments from organizations representing individuals with disabilities.¹ These comments have raised concerns about the need to consider individuals with disabilities in the distribution of universal service funds. The purpose of this filing is to once again, bring these concerns to the attention of the Commission. Put simply, consideration of the communication access needs of children with hearing and other disabilities is *critical* to ensuring that these children develop the skills needed to actively and effectively participate in a technologically advanced society.

¹ These organizations included the National Association of the Deaf, United Cerebral Palsy Associations, the American Foundation for the Blind, the Council of Organizational Representatives on National Issues Concerning People who are Deaf or Hard of Hearing, and the Consumer Action Network,

In our comments to the FCC, submitted on May 7, 1996, we illustrated the need to consider access needs with an example. There, we explained:

In discussing teleconferencing capabilities between the schools, the Commission notes that while certain speed links may be adequate for talking head style lectures, high quality full motion video in real-time may require a higher capability, higher speed link. It is the latter that would be necessary, and should be incorporated into universal service principles, to enable two way interactive conferencing in sign language for deaf students.

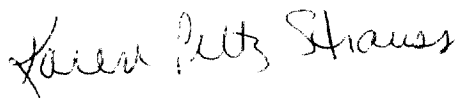
We concluded that considerations such as these are critical in planning for telecommunications access by the schools.

In its Recommended Decision, the Federal-State Joint Board on Universal Service failed to require that telecommunications services in schools and libraries which are supported by universal service funds be accessible to children with disabilities. Rather, both the Commission and the Joint Board as a whole turned to Section 255, requiring access to telecommunications services and equipment, as the proper mechanism for ensuring access to telecommunications services found in schools and libraries. To this day, however, the FCC has failed to promulgate regulations implementing Section 255, leaving both consumers and industry without guidance on the best ways to achieve such access. But it is important to understand that even when the Section 255 regulations are released, they will not address the issue at hand. Section 255 requires new products and services to be accessible; it does not ensure the availability of funds to distribute those products and services to classrooms or libraries. Nor do other federal laws - most notably those covering the education of children with disabilities - incorporate funding for access to telecommunications equipment and services for schools and libraries.

The Commission has consistently acknowledged Congress' intent to ensure telecommunications access by individuals with disabilities. Through its proceedings on

telecommunications relay services, closed captioning of video programming, hearing aid compatibility, and emergency alert systems, the Commission has recognized the importance of ensuring that telecommunications services reach all Americans, including Americans who are deaf and hard of hearing. The universal service support mechanisms provide a unique opportunity to ensure that access is provided in the education of children with disabilities at the outset. To fail to incorporate safeguards for such access at this critical juncture could have devastating effects on the ability of our nation's school children to fully and effectively participate in all aspects of our society. Accordingly, we renew our request to incorporate consideration of individuals with disabilities in the process of disbursing universal service funds, and specifically request that applications and other forms used for the disbursement of these funds ensure that children and adults with disabilities receive the benefits of the activities and services which result from such support.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karen Peltz Strauss".

Karen Peltz Strauss
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